

Wage and Hour Division, Labor

§ 522.43

hosiery including, among other processes, the knitting, dyeing, clocking, and all phases of finishing hosiery, but not including the manufacture or processing of yarn or thread.

[26 FR 9583, Oct. 11, 1961]

§ 522.42 Number or proportion of learners.

(a) The number of learners which any employer may be authorized to employ by any special certificates issued to meet normal labor turnover needs shall not exceed on any one workday five percent of the total number of productive factory workers in the plant; provided that, in plants employing less than 100 workers, a maximum of 5 learners may be authorized.

(b) Special certificates may be issued to new or expanding plants authorizing the employment of learners in authorized occupations to the extent of need.

[20 FR 2306, Apr. 9, 1955]

§ 522.43 Learner occupations, learning periods and special minimum wage rates.

(a) A person who has had no previous experience in any of the following occupations in the hosiery industry may be employed as a learner in any of the occupations for the maximum number of hours and at the special rates set out in paragraphs (a) (1) through (9) of this section.

(1) In the seamless branch, knitting (transfer top only) and looping, for 960 hours, at not less than \$3.20 an hour for the first 480 hours and at not less than \$3.275 for the remaining 480 hours through November 2, 1990; not less than \$3.65 an hour for the first 480 hours and not less than \$3.725 for the remaining 480 hours through March 31, 1991; and not less than \$4.10 an hour for the first 480 hours and not less than \$4.175 for the remaining 480 hours thereafter.

(2) In the seamless branch, pairing (women's nylon) and mending (women's nylon), for 720 hours at not less than \$3.20 an hour for the first 360 hours and at not less than \$3.275 an hour for the remaining 360 hours through November 2, 1990; not less than \$3.65 an hour for the first 360 hours and not less than \$3.725 an hour for the remaining 360 hours through March 31, 1991; and not

less than \$4.10 an hour for the first 360 hours and not less than \$4.175 an hour for the remaining 360 hours thereafter.

(3) In the seamless branch, topping, welting, and mending (other than women's nylon), for 480 hours at not less than \$3.20 an hour through November 2, 1990; not less than \$3.65 an hour through March 31, 1991; and, not less than \$4.10 an hour thereafter.

(4) In the seamless branch, boarding (women's nylon), folding (women's nylon and rayon) and pairing (other than women's nylon), for 360 hours, at not less than \$3.20 an hour through November 2, 1990; not less than \$3.65 an hour through March 31, 1991; and not less than \$4.10 an hour thereafter.

(5) In the seamless branch, knitting (except transfer top), seaming, examining and inspection, folding (other than women's nylon and rayon), and boarding (other than women's nylon), for 240 hours, at not less than \$3.20 an hour through November 2, 1990; at not less than \$3.65 an hour through March 31, 1991; and not less than \$4.10 an hour thereafter.

(6) In the full-fashioned branch, seaming (leg and foot), for 960 hours, at not less than \$3.25 an hour for the first 480 hours and \$3.325 an hour for the remaining 480 hours through November 2, 1990; at not less than \$3.70 an hour for the first 480 hours and \$3.775 an hour for the remaining 480 hours through March 31, 1991; and, at not less than \$4.15 an hour for the first 480 hours and at not less than \$4.225 an hour for the remaining 480 hours thereafter.

(7) In the full-fashioned branch, pairing and mending, for 720 hours at not less than \$3.25 an hour for the first 360 hours and not less than \$3.325 an hour for the remaining 360 hours through November 2, 1990; at not less than \$3.70 an hour for the first 360 hours and at not less than \$3.775 an hour for the remaining 360 hours through March 31, 1991; and, at not less than \$4.15 an hour for the first 360 hours and at not less than \$4.225 an hour for the remaining 360 hours thereafter.

(8) In the full-fashioned branch, boarding and folding for 360 hours, at not less than \$3.25 an hour through November 2, 1990; at not less than \$3.70 an hour through March 31, 1991, and, at not less than \$4.15 an hour thereafter.

(9) In the full-fashioned branch, examining and inspecting, and seaming (sewing-other than leg and foot), for 240 hours at not less than \$3.25 an hour through November 2, 1990; at not less than \$3.70 an hour through March 31, 1991; and, at not less than \$4.15 an hour thereafter.

(b) The earnings of learners employed on a piece rate basis shall be based on those piece rates if in excess of the authorized special minimum rates, in accordance with § 522.6(j).

(c) A person who has had previous experience or training in the hosiery industry at any time in any authorized learner occupation for less than the authorized learning period may be employed as a learner in the same occupation at the applicable special minimum rates until the number of hours authorized for that occupation are completed.

(d) A worker who has had full training in any authorized learner occupation may be transferred to any other learner occupation for a period not to exceed one-half of the learning period authorized for the occupation at not less than \$3.275 an hour in the seamless branch and at not less than \$3.325 an hour in the full-fashioned branch through November 2, 1990; at not less than \$3.725 an hour in the seamless branch and at not less than \$3.775 an hour in the full-fashioned branch through March 31, 1991; and at not less than \$4.175 an hour in the seamless branch and at not less than \$4.225 an hour in the full-fashioned branch thereafter. A worker who has partial training in any authorized learner occupation may be transferred to any other learner occupation for either:

(1) A period not to exceed one-half of the learning period authorized for that occupation, at not less than \$3.275 an hour in the seamless branch and at not less than \$3.325 an hour in the full-fashioned branch through November 2, 1990; at not less than \$3.725 an hour in the seamless branch and at not less than \$3.775 an hour in the full-fashioned branch through March 31, 1991; and, at not less than \$4.175 an hour in the seamless branch and at not less than \$4.225 an hour in the full-fashioned branch thereafter; or,

(2) The balance of the number of hours permitted as a learning period

for the occupation to which the learner is being transferred, at the applicable special minimum rates set forth in paragraph (a) of this section: *Provided, however,* That (i) no worker may be employed as a learner at learner rates in more than two authorized occupations; (ii) no worker who has completed the authorized learning period in the occupation of pairing may be employed as a learner at learner rates in the occupation of folding or inspection; and, (iii) no worker who has completed the authorized learning period may be employed as a learner at learner rates when transferring from the seamless branch of the hosiery industry to the full-fashioned branch or from the full-fashioned branch to the seamless branch, if the worker is employed in the same occupation as that in which the worker has been previously employed.

[20 FR 2306, Apr. 9, 1955, as amended at 26 FR 9583, Oct. 11, 1961; 43 FR 5817, Feb. 10, 1978; 55 FR 46467, Nov. 2, 1990; 55 FR 47028, Nov. 8, 1990]

SHOE MANUFACTURING INDUSTRY

§ 522.50 General denial policy.

All applications for the employment of learners in the shoe manufacturing industry, as defined in § 522.51 at wages lower than the statutory minimum wage shall be denied.

[32 FR 665, Jan. 20, 1967]

§ 522.51 Applicability of § 522.50.

For the purpose of § 522.50, the shoe manufacturing industry is defined as follows:

(a) The manufacture or partial manufacture of footwear from any material and by any process except knitting, vulcanizing of the entire article or vulcanizing (as distinct from cementing) of the sole to the upper.

(b) The manufacture or partial manufacture of the following types of footwear, subject to the limitations of paragraph (a) of this section but without prejudice to the generality of that paragraph:

Athletic shoes.
Boots.
Boot tops.
Burial shoes.
Custom-made boots or shoes.